

# PENNCREST School District

DISTRICT ADMINISTRATIVE OFFICES  
18741 State Highway 198, Suite 101 • Saegertown, PA 16433-0808

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(814) 763-2323 • Fax (814) 763-5129 • <http://penncrest.iu5.org>

Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

October 8, 2004

To Whom It May Concern:

DOCKET FILED  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

This is a letter of appeal concerning **CC Docket No. 02-6**:

Billed entity name:	PENNCREST School District
Billed entity no.:	125569
Form 471 Application no.:	405879
Applicant's form identifier:	P47104
Funding Year:	2004

On October 4, 2004 I received notice that an appeal to the Schools and Libraries Division concerning their determination that an FCC form 471 application (no. 405879) for telephone long distance e-rate discounts was "denied in full" due to the application being certified "out of window".

The appeal was necessitated by a failure of the Schools and Libraries Division computer to accept and process a form 471 application (no. 405879) certification page using the PIN number that I had been assigned. I completed the application, printed it for my records, and sent the certification electronically on February 2, 2004 as evidenced by the application date stamp on the printed application (see attachment no. 1). The application was completed two days ahead of the application window closing date of February 4, 2004.

However, unknown to me, the certification was not accepted on-line at the SLD that day. The on-line instructions did not indicate what should have occurred after the PIN number was entered and submitted. Had I been made aware by an on-line prompt or by the instructions of the expected successive responses after certifying and submitting the application, I would have realized that a problem existed at that time and attempted to again submit the application that same day, and therefore within the window.

Only after my inquiry to SLD on May 7, 2004 to find out why I had not received a Receipt Acknowledgement Letter, did I learn that the application was listed as "complete", however the original "certification" did not register. With prompting by the

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service representative, I then again attempted to certify the application on-line that day using my PIN number, and this time it was successfully received and certified.

The submission of the appeal to the SLD that was denied (see attachment no. 2) included a copy of the printed version of the application that showed the February 2<sup>nd</sup> date stamp, and an explanation about the circumstances that caused the eventual May 7, 2004 second electronic certification of the application.

Because the status of the application as "complete" was acknowledged by SLD, and the date stamp established the date that it was completed as February 2, 2004 within the window, there would have been no logical explanation for not certifying an application valued to the school district at over \$ 20,000.00. I have no explanation for the failure of the system to take my valid PIN number, therefore I believe the students who would benefit from this discount should not be penalized for what could only be a system failure.

Attached are the original letter of appeal to the SLD, the original date stamped application certification sheet, and a copy of the SLD letter denying the appeal (attachment no. 3).

You may contact me to discuss this matter at:

Thomas Baldwin ([tbaldwin@penncrest.iu5.org](mailto:tbaldwin@penncrest.iu5.org))  
Phone: (814) 337-1628  
Fax: (814) 337-1697  
Address: PENNCREST School District  
18741 State Hwy 198  
P.O. Box 808  
Saegertown, PA. 16433-0808

The E-rate funds received in prior years have provided valuable instructional materials for the students in the PENNCREST School District. I respectfully request that this appeal to accept the original form 471 application as "within the application window" be approved.

Sincerely,



Thomas M. Baldwin Jr., Plant and Transportation Supervisor

Cc: Richard Borchilo, Superintendent of Schools

**FCC Form 471**

Services Ordered and Certification Form

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Applicant's Form Identifier: P47104

Entity Number: 125569

Contact Person: Thomas Baldwin

Phone Number: (814) 763-2323

**Block 6: Certifications and Signature**

471 Application Number: 405879

24. The entities listed in Block 4 of this application are eligible for support because they are: (check one or both)

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school including, but not limited to elementary and secondary schools, colleges and universities

25. The entities listed on this application have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased as well as to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

26. All of the schools and libraries or library consortia listed in Block 4 of this application are covered by:

- a. ☐ an individual technology plan for using the services requested in this application; and/or
- b. ☒ higher-level technology plan(s) for using the services requested in this application; or
- c. ☐ no technology plan needed; applying for basic local and long distance telephone service only.

27. Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

- a. ☒ technology plan(s) has/have been approved; and/or
- b. ☐ technology plan(s) will be approved by a state or other authorized body; or
- c. ☐ no technology plan needed; applying for basic local and long distance telephone service only.

28. I certify that the entities eligible for support that I am representing have complied with all applicable state and local laws regarding procurement of services for which support is being sought.

29. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

30. I certify that the entity(ies) I represent has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments.

31. I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service receive an appropriate share of benefits from those services.

32. I recognize that I may be audited pursuant to this application. I will retain for five years any and all worksheets and other records that I rely upon to fill out this application, and, if audited, will make available to the Administrator such records.

33. I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

34. Signature of authorized person User ID: TBaldy PIN: 35. Date 2/2/2004

36. Printed name of authorized person Thomas Baldwin

37. Title or position of authorized person Plant and Transportation Supervisor

38a. Street Address, P.O Box or Route Number 18741 State Hwy 198  
P.O. Box 808  
Saegertown, PA 16433-0808

38b. Telephone number of authorized person: (814) 337-1628

38c. Fax number of authorized person: (814) 337-1697

38d. E-mail of authorized person: tbaldwin@penncrest.iu5.org

**ATTENTION:** If you are signing Form 471 using the PIN assigned to you by SLD, you are reminded that using the PIN is equivalent to your handwritten signature on the form. Your use of the PIN to affirm these certifications means that should they prove untrue, you will be held to the same enforcement standards as those who affirm the certifications on paper. Also, by using the PIN, you are affirming that you have the authority to make these certifications and represent the entity featured in Block One of this funding request.

Please Check to affirm your compliance ☒

471 Application Number: 405879  
PENNCREST SCHOOL DISTRICT  
PO BOX 808  
SAEGERTOWN, PA 16433

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

**NOTICE:** Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Service Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other

applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington DC 20554.

**Please retain a copy of this page and submit a copy with any communications to the SLD. Please enclose a copy of this confirmation page when mailing your Item 21 attachments.**

**Done**

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Schools and Libraries Division

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# PENNCREST School District

DISTRICT ADMINISTRATIVE OFFICES  
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(814) 763-2323 • Fax (814) 763-5129 • <http://www.penncrest.org>

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OCT 13 2004

FCC - MAILROOM

Letter of Appeal  
Schools and Libraries Division  
Box 125 – Correspondence Unit  
80 South Jefferson Road  
Whippany, NJ 07981

July 13, 2004

To Whom It May Concern:

This is a LETTER OF APPEAL concerning:

Out of Window Letter dated: June 14, 2004  
Billed entity name: PENNCREST School District  
Billed entity no.: 125569  
Form 471 Application No. 405879  
Applicant's form identifier: P47104  
Funding Year: 2004

The following person may be contacted to discuss this matter:

Thomas Baldwin ([tbaldwin@penncrest.ju5.org](mailto:tbaldwin@penncrest.ju5.org))  
Phone: (814) 337-1628  
Fax: (814) 337-1697  
Address: 18741 State Hwy 198  
P.O. Box 808  
Saegertown, PA 16433-0808

I am appealing this "out of window" determination because of the following:

1. The original Form 471 application (no. 405879) that I submitted electronically and certified electronically was submitted on February 2, 2004, and the window closed on February 4, 2004. (Attachment no. 1 is a copy of the original application copy that I printed on February 2, 2004)
2. On the original application I inadvertently used an incorrect SPIN number, and according to the on-line instructions, to correct the data entry I needed to wait until I received a Receipt Acknowledgement Letter to make the correction.
3. On May 7, 2004 I contacted Schools and Libraries Division to find out why I had not received a Receipt Acknowledgement Letter. I was given case no. 21-


079804. When I talked to the SLD representative, she indicated the status of the 471 was "complete", however the Block 6 certification process was not completed. Following her instructions I used my original application that was still on-line from February 2nd, and when I again certified electronically the program took my PIN number and the certification was successful. She then advised me that I would need to submit a letter of appeal when I received the "out of window" notice.

4. When I originally submitted the 471 form, because of the impending deadline I decided to use my PIN number to certify electronically. In previous years I have always submitted certification by mail. Since this was my first electronic certification, I was unaware that when I submitted the certification electronically, there should have been a successive response from the computer program indicating completion. Therefore I was not aware that the original application certification was not received successfully by SLD.
5. I do not have an explanation for this occurrence, however I believe there was a data transmission error that caused the electronic certification not to be received at SLD, and that my application would otherwise have been submitted within the allowable window, and based on this I feel the application should be accepted and approved.

If you decide to accept my appeal, I will need to submit a Data Entry Correction for an incorrect SPIN number. (see attachment no. 2)

Your consideration to approve this appeal would be greatly appreciated. The funding received from the USAC Erate program is important to the school district. If you need any additional information, please contact me at the numbers above or by email.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Baldwin", with a stylized flourish at the end.

Thomas Baldwin, Plant and Transportation Supervisor



**Universal Service Administrative Company**  
Schools & Libraries Division

**Administrator's Decision on Appeal - Funding Year 2004-2005**  
October 1, 2004

Thomas Baldwin  
Penncrest School District  
18741 State Highway 198, Suite 108  
Saegertown, PA 16433-0808

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Re: Billed Entity Number: 125569  
471 Application Number: 405879  
Funding Request Number(s): 1133239, 1133275, 1133299, 1133329,  
1136014, 1136088, 1136136, 1136174,  
1136212, 1136502, 1136552, 1136921,  
1136957, 1136984, 1137012, 1137042,  
1137066, 1137095, 1137144, 1140750,  
1140782, 1140806, 1140832, 1140912,  
1140928, 1140962, 1141004, 1141031,  
1141128, 1156631, 1157035, 1160107,  
1160153, 1160194, 1160226, 1160258,  
1160297, 1160331, 1160387, 1160412,  
1160452, 1160479, 1160510, 1160547,  
1160570

Your Correspondence Dated: July 13, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision regarding your appeal of the SLD's Funding Year 2004 Form 471 Certification Postmarked Outside of Window Letter for the application number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one application number, please note that for each application an appeal is submitted, a separate letter is sent.

Funding Request Number: 1133239, 1133275, 1133299, 1133329, 1136014,  
1136088, 1136136, 1136174, 1136212, 1136502,  
1136552, 1136921, 1136957, 1136984, 1137012,  
1137042, 1137066, 1137095, 1137144, 1140750,  
1140782, 1140806, 1140832, 1140912, 1140928,  
1140962, 1141004, 1141031, 1141128, 1156631,  
1157035, 1160107, 1160153, 1160194, 1160226,  
1160258, 1160297, 1160331, 1160387, 1160412,

Decision on Appeal:  
Explanation:

1160452, 1160479, 1160510, 1160547, 1160570  
**Denied in full**

- On appeal, you are seeking the reversal of the SLD decision to certify this application as outside the window. In your letter of appeal, you maintain that you completed your application and certified it electronically on February 2, 2004. Since this was the first time that you submitted your certification electronically, you were unaware that there should have been a response indicating the certification was complete.
- Upon the review of the appeal letter and all supporting documentation, we find that SLD correctly certified this application as outside the window. A review of your documentation of the Block 6 certification indicates that the electronic certification was not completed on February 2, 2004. According to SLD's records, the Form 471 certification was completed online on May 7, 2004, which is outside the Funding Year 2004 filing window. Program rules for FY 2004 require that the completed Form 471 and its certification be received by the SLD postmarked no later than 11:59 p.m. EST on February 4, 2004. It is the responsibility of the applicant to ensure that all Forms are submitted to SLD in a timely and correct manner.
- The FCC requires all parts of an application to be postmarked by the final date of the filing window for the relevant funding year for the application to be treated as having been filed within the filing window. *See Request for Review by Alpine County Unified School District, et. al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, DA 02-75 ¶ 5 (rel. Jan. 14, 2002). This includes the Form 470 Certification, the Form 471 application, and the Form 471 Certification.
- SLD denied your funding requests because it determined that your Form 471 Certification was not postmarked on or before the close of the filing window on February 4, 2004. You have failed to demonstrate that the Form 471 Certification was postmarked within the Funding Year 2004 filing window. Consequently, your appeal is denied.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission ("FCC"). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12<sup>th</sup> Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by

contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company